

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WELLS FARGO BANK, NA,

Plaintiff,

v.

CARLOS SALAZAR,

Defendant.

Case No. C-12-0537 YGR

ORDER GRANTING MOTION TO REMAND

This case was removed from Contra Costa Superior Court where it was pending as an unlawful detainer action against *pro se* Defendant Carlos Salazar. Salazar removed this action pursuant to 28 U.S.C. § 1441 invoking this Court's federal question jurisdiction under 28 U.S.C. § 1331. The Court GRANTS the motion for remand because no federal question is presented in this action.

The complaint asserts only state law claims for possession, restitution, and damages under the provisions of California state law applicable to unlawful detainer. Thus, there is no federal question. To the extent Salazar may intend to raise defenses to the action based on federal statutes, he also would not be able to establish a basis for federal jurisdiction. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 107 S.Ct. 2425 (1987) (Under the "well-pleaded complaint" rule, a case may not be removed on the basis of a federal defense). Finally, the amount in controversy does not meet the jurisdictional threshold of \$75,000.00 for diversity jurisdiction. Accordingly, this action must be remanded.

Plaintiff's Motion to Remand is GRANTED. Plaintiff's request for attorney's fees is DENIED. Defendant's Motion for Leave to Proceed *in Forma Pauperis* is DENIED AS MOOT. The Clerk of the Court is directed to REMAND this action to the Contra Costa Superior Court. This Order terminates Dkt. Nos. 2 & 9.

IT IS SO ORDERED.

Dated: March 7, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE